

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Devlen Office Rezone from A-1 to PCD

**DEPARTMENT:** Planning and Development      **DIVISION:** Planning

**AUTHORIZED BY:** Dori DeBord

**CONTACT:** Austin Watkins

**EXT:** 7440

**MOTION/RECOMMENDATION:**

1. APPROVE the request to rezone 1.26 + acres located at 4021 Church Street, from A-1 (Agriculture) to PCD (Planned Commercial Development) and approve the Preliminary Site Plan and Development Order, and authorize the Chairman to execute the aforementioned documents, based on staff findings, (Ronald Devlen, applicant); or

2. DENY the request to rezone 1.26 + acres located at 4021 Church Street, from A-1 (Agriculture) to PCD (Planned Commercial Development), (Ronald Devlen, applicant); or

3. CONTINUE until a time and date certain.

District 5 Brenda Carey

Austin Watkins

**BACKGROUND:**

The applicant, Ronald Devlen is requesting a rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) in order to develop a 3,715 square foot office building. The applicant is requesting all uses allowed in the OP (Office) zoning classification. The Future Land Use designation of the subject property is Higher Intensity Planned – Target Industry.

The applicant's proposed use is an engineering office, which is consistent with the Seminole County Comprehensive Plan, FLU Exhibit-23, Target Industry Uses.

**PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission met on October 3, 2007 and voted unanimously (6-0) to recommend APPROVAL of the request to rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) for 1.26 ± acres, located at 4021 Church Street.

**STAFF RECOMMENDATION:**

Staff recommends the Board APPROVE the request to rezone 1.26 ± acres located at 4021 Church Street, from A-1 (Agriculture) to PCD (Planned Commercial Development), and recommends approval of the Preliminary Site Plan and Development Order.

**ATTACHMENTS:**

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map

5. Preliminary Site Plan
6. Development Order
7. Rezone Ordinance
8. Denial Development Order
9. LPA P and Z Meeting Minutes

**Additionally Reviewed By:**

☒ County Attorney Review ( Kathleen Furey-Tran )

<b>Devlen Office Rezone Rezone from A-1 to PCD</b>		
<b>APPLICANT</b>	Ronald Devlen	
<b>PROPERTY OWNER</b>	Kimberley and Ronald Devlen	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development)	
<b>PROPERTY SIZE</b>	1.26 ± acres	
<b>HEARING DATE (S)</b>	P&Z: October 3, 2007	BCC: November 13, 2007
<b>PARCEL ID</b>	21-19-30-505-0000-0040	
<b>LOCATION</b>	4021 Church Street	
<b>FUTURE LAND USE</b>	HIP-TI (Higher Intensity Planned – Target Industry)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2007-19	
<b>COMMISSION DISTRICT</b>	#5 – Carey	

#### **PROPOSED DEVELOPMENT:**

The applicant is proposing a 3,715 square foot office building to be utilized as an engineering office.

#### **ANALYSIS OVERVIEW:**

##### **ZONING REQUEST**

The applicant, Ronald Devlen, is requesting to rezone 1.26 ± acres from A-1 (Agriculture) to PCD (Planned Commercial Development). The subject property is located at 4021 Church Street. The Future Land Use designation of the subject property is HIP-TI (Higher Intensity Planned – Target Industry), which includes uses such as office, manufacturing, High Tech, distributing and financial services detailed in FLU Exhibit 23 of the Vision 2020 Comprehensive Plan. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of PCD (Planned Commercial Development):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (PCD)</b>
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	50 feet	N/A
Rear Yard Setback	30 feet	10 feet
Maximum Building Height	35 feet	35 feet

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

<b>Zoning District</b>	<b>Permitted Uses</b>	<b>Special Exception</b>	<b>Minimum Lot Size</b>
<b>A-1 (existing)</b>	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	<b>1 acre</b>
<b>PCD (proposed)</b>	Allowable uses shall be those described in the OP Zoning District.		<b>N/A</b>

## **COMPATIBILITY WITH SURROUNDING PROPERTIES**

The subject property is located in an area that is transitioning towards industrial and office uses. South and east of the property is the Maronda Systems PCD, which includes office and industrial uses. West of the property (Monroe Road) is the Monroe Commerce Center PCD, which allows for office and industrial uses. East of the property is the Cox Lumber Yard, which encompasses industrial uses. The proposed use of a professional office is compatible with the surrounding uses and development patterns.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map with an effective date of 1995, there appears to be no floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be .08 ± acres of wetlands on the subject property.

### **PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3)(c); Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an application for Full Concurrency Review. Concurrency Management has determined that water and sewer facility capacity is available for the proposed property subject to execution of a Utility Agreement and payment of fees. Concurrency Management further determined that sufficient roadway capacity is available based upon Concurrency Management System Net Available Capacity.

#### *Utilities:*

The site is located in the City of Sanford's utility service area. However, the City of Sanford has no utilities in the area. Connection to the Northeast Seminole County utility services will be required after approval from the City of Sanford to allow Seminole County to provide utilities. There is a 10-inch water main on the east side of Monroe Rd and a 4-inch force main on the west side of Monroe Rd. The subject property is in the ten year master plan for reclaimed water. A temporary jumper from the potable water main will be required until reclaimed water becomes available.

### *Transportation / Traffic:*

The property proposes access onto Church Street, which is classified as a local road. Church Street is currently operating at a level-of-service “A” and does not have improvements programmed in the County 5-year Capital Improvement Program.

Church Street is owned by the City of Sanford.

### *Buffers and Sidewalks:*

There is not an existing 5-foot sidewalk along Church Street. The applicant will be required to build a 5-foot sidewalk along Church Street. The applicant is proposing the following buffers:

North: 15’ landscape buffer containing 2 canopy and 4 subcanopy trees across the total length of the property line

South: 10’ undisturbed buffer

East: 10’ landscape buffer containing 5 subcanopy trees across the total length of the property line

West: Existing wetland and 25’ wetland buffer

### **APPLICABLE POLICIES:**

#### **Fiscal Impact Analysis**

This project does not warrant the running of the County Fiscal Impact Analysis Model.

#### **Special Districts**

The subject property is not located within any special or overlays districts.

#### **Comprehensive Plan (Vision 2020)**

The County’s Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU	2.11:Determination of Compatibility in PUD and PCD Zoning Classifications
Policy CIE:	3.2: Application to New Development
Policy CON	3.6: Wetland/Flood Prone Regulations
Policy ECM	4.1 Target Areas
Policy ECM	4.3 Target Industries

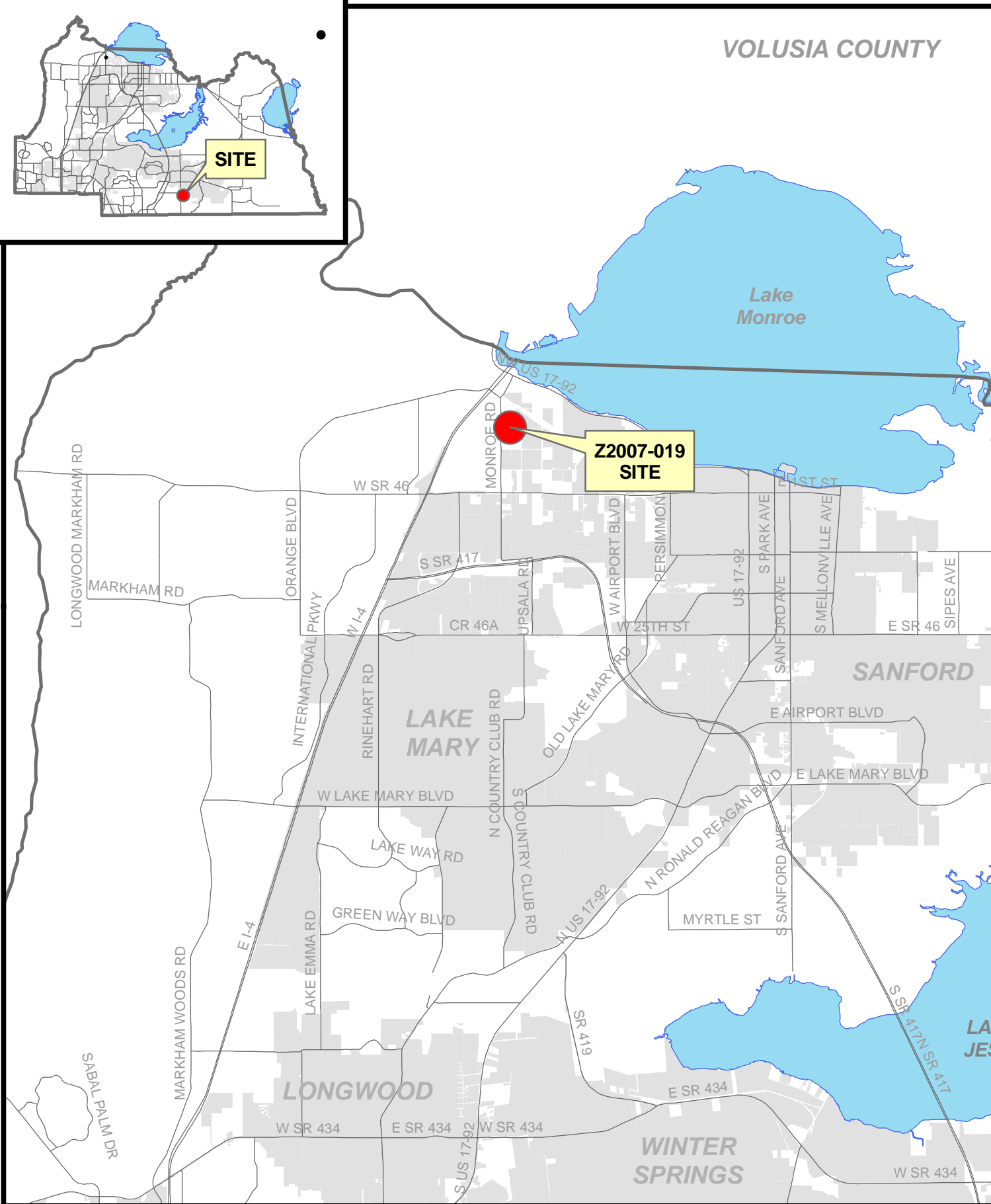
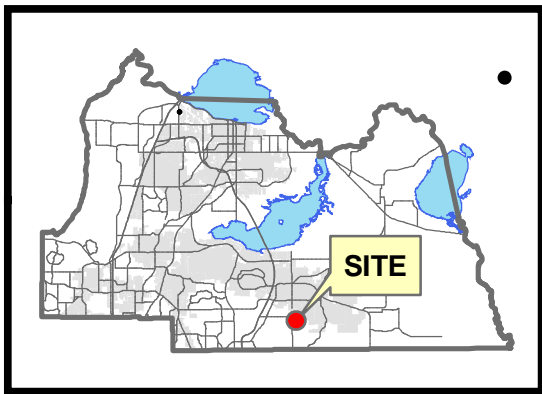
Policy FLU	5.6: Higher Intensity Planned Development (HIP) Purpose
Policy FLU	5.7 Higher Intensity Planned Development (HIP) General Uses and Intensities
Policy POT	4.5: Potable Water Connection
Policy SAN	4.4: Sanitary Sewer Connection
Policy PUB	2.1: Public Safety Level-of-Service

**INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice to the City of Sanford was sent on September 17, 2007.

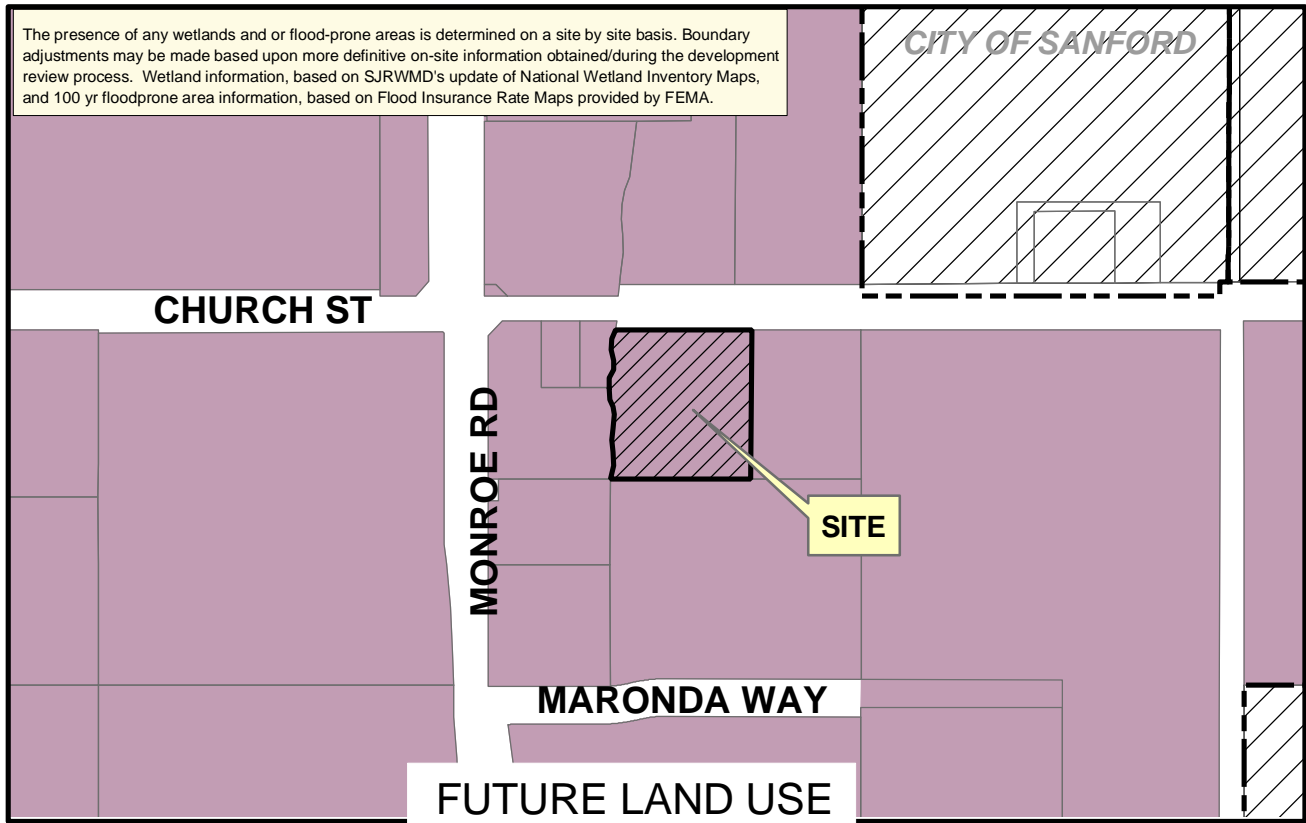
**LETTERS OF SUPPORT OR OPPOSITION:**

Staff has not received letters of support or opposition.





The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



■ HIPTI ■ Site ■ CONS ..... Municipality

Applicant: Ronald Devlen

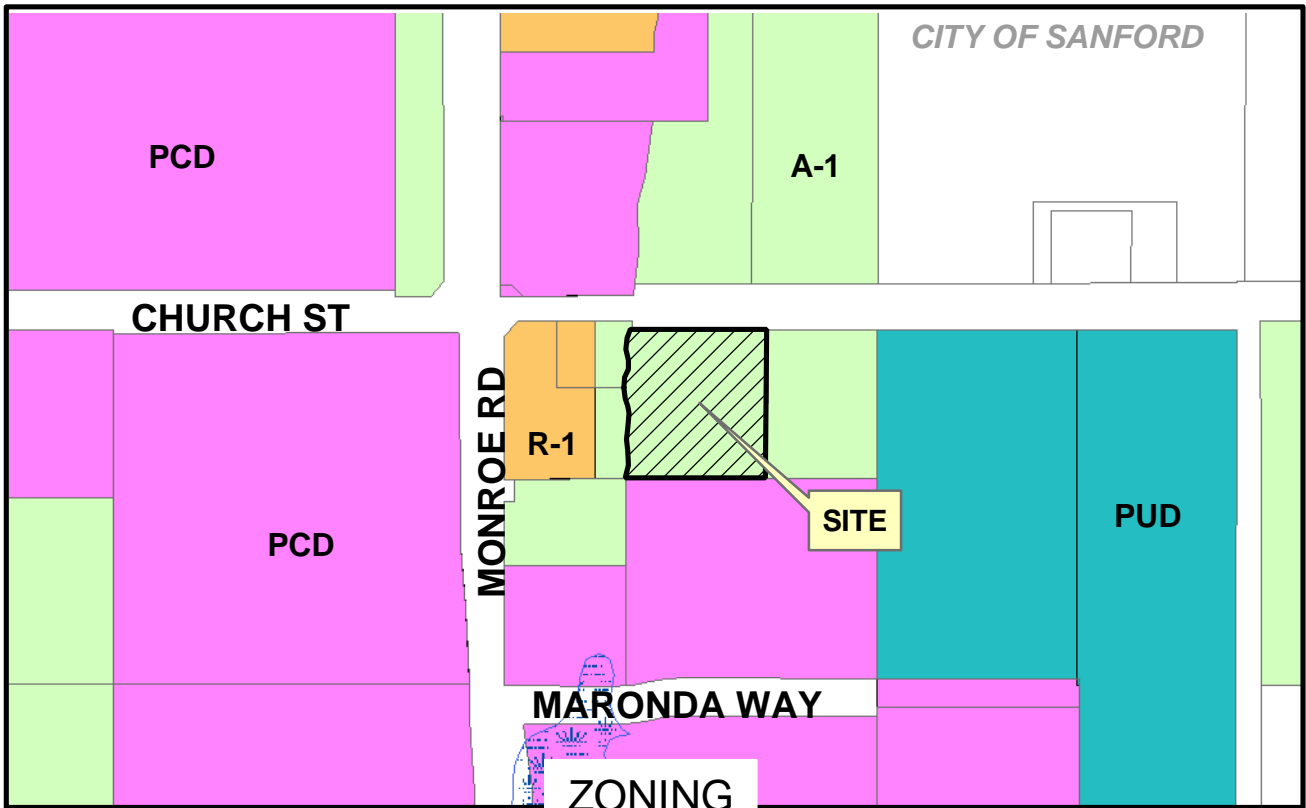
Physical STR: 21-19-30-505-0000-0040

Gross Acres: 1.43 +/- BCC District: 5

Existing Use: Vacant Agricultural

Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-019	A-1	PCD



■ Site ■ A-1 ■ R-1 ■ PCD ■ PUD ■ FP-1 ■ W-1



Rezone No: Z2007-019  
From: A-1 To: PCD



Parcel



Subject Property



Winter 2006 Color Aerials







**SEMINOLE COUNTY DEVELOPMENT ORDER**

On November 13, 2007, Seminole County issued this Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

(The aforementioned legal description has been provided to Seminole County by the owner of the subject property.)

**FINDINGS OF FACT**

**Property Owner(s):** Ronald and Kimberly Devlen

**Project Name:** Devlen Office Rezone

**Requested Development Approval:** Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Austin Watkins, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  - A. The project shall have a maximum allowable building square footage of 4,000 square feet.
  - B. Permitted Uses: Those uses permitted in the OP (Office) zoning classification.
  - C. Lighting shall not exceed 16' in height and shall be in the shoe-box cut-off style with no more than 0.50 footcandles of spillage on adjacent properties.
  - D. The setbacks shall be as follows:
    - North: 25'
    - South: 10'
    - East: 10'
    - West: 10'
  - E. The buffers shall be as follows:
    - North: 15' buffer containing a 2 canopy and 4 sub-canopy trees
    - South: 15' undisturbed buffer
    - East: 10' buffer containing 5 subcanopy trees
    - West: Existing wetland and 25' wetland buffer
  - F. All mechanical equipment, ground or roof-mounted, shall be screened from off-site view.
  - G. 25% open space shall be provided on the subject property.
  - H. The maximum allowable building height is 35'.
  - I. Development shall comply with the Preliminary Master Plan attached as Exhibit "B".

**SEMINOLE COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Carlton D. Henley, Chairman

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the owner, Ronald Devlen, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNER:

\_\_\_\_\_  
Print Name:\_\_\_\_\_

Ronald Devlen

\_\_\_\_\_  
Print Name:\_\_\_\_\_\_\_\_\_\_  
Ronald Devlen

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_,  
as \_\_\_\_\_, who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
My Commission Expires:

**OWNERS' CONSENT AND COVENANT**

COMES NOW, the owner, Kimberly Devlen, on behalf of itself and its heirs agents, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

WITNESSES:

OWNER:

\_\_\_\_\_  
Print Name:\_\_\_\_\_

Kimberly Devlen

\_\_\_\_\_  
Print Name:\_\_\_\_\_\_\_\_\_\_  
Kimberly Devlen

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007, by \_\_\_\_\_,  
as \_\_\_\_\_, who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public\_\_\_\_\_  
(Name of Notary, typed, printed or stamped)  
My Commission Expires:



**EXHIBIT "A"**

**Legal Description**

SECTION 21, TOWNSHIP 19 SOUTH, RANGE 30 EAST; SEMINOLE COUNTY, FLORIDA

REAL PROPERTY DESCRIPTION:

LOT 4 (LESS E 200 FT) & THAT PT OF LOT 3 E OF C/L CANAL (LESS N 15 FT FOR RD) AMENDED PLAT MANN'S SUBD PB & PG 89

Z2007-19

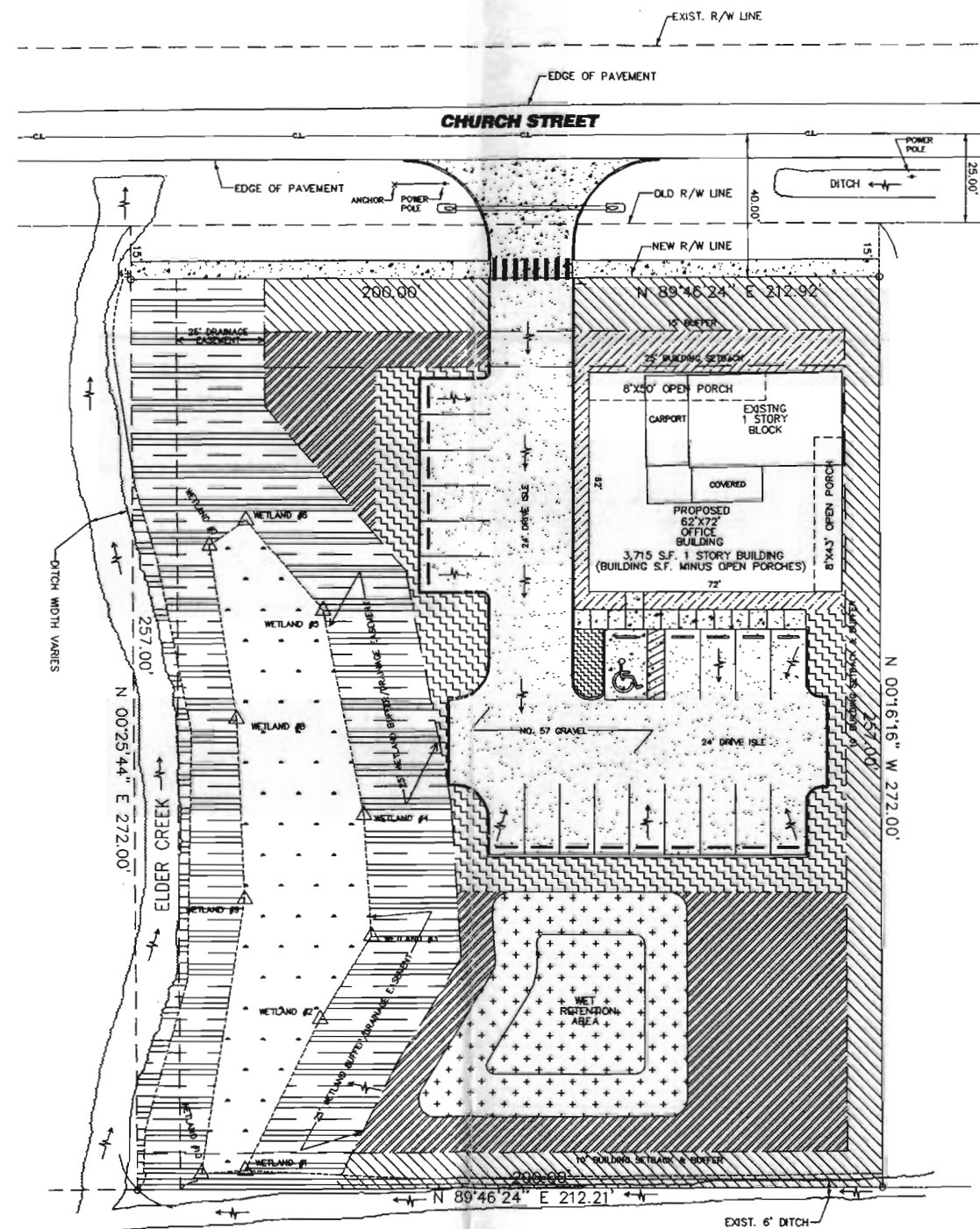
DEVELOPMENT ORDER #

07-22000004

**EXHIBIT "B"**

**Preliminary Master Plan**





#### OPEN SPACE

REQUIRED OPEN SPACE	= 25% X 1.14 AC = 0.285 AC
PROVIDED OPEN SPACE	= 0.745 AC
INTERNAL LANDSCAPE AREAS (PARKING)	= 2,801 S.F.
BUILDING LANDSCAPE AREAS	= 2,573 S.F.
PERIMETER LANDSCAPE BUFFERYARD	
NORTH	= 2,259 S.F.
SOUTH	= 1,537 S.F.
EAST	= 2,454 S.F.
NON-VEHICULAR OPEN SPACE	= 7,408 S.F.
RETENTION POND	= 3,980 S.F.
WETLAND BUFFER	= 10,662 S.F.
WETLAND	= 5,076 S.F.
<b>TOTAL</b>	<b>= 33,684 S.F. (0.773 AC.)</b> (MINUS WETLAND)

#### INTERNAL LANDSCAPED AREA

PARKING AREA	= 10,280 SF
REQ. INTERNAL LANDSCAPING AREA	= 0.1 X 10,280 SF = 1,028 SF
PROVIDED INTERNAL LANDSCAPED AREA	= 2,801 SF

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DATE: 8/24/07  
PROJECT NO.: 06385

AMERICAN CIVIL ENGINEERING CO.  
207 N. MOSS RD., SUITE 201, WEST SPRINGS, FL 32708  
TEL: (407) 327-7700 FAX: (407) 327-0227  
C.L. No. 6729

OPEN SPACE PLAN  
**DEVLEN OFFICE BUILDING**  
SEMINOLE CO., FLORIDA

JOHN J. HENBERT, III, P.E.  
STATE OF FLORIDA  
REG. NO. 35005

SHEET: 2 OF 2

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PCD (PLANNED COMMERCIAL DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Devlen Office Rezone", dated November 13, 2007.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PCD (Planned Commercial Development):

**SEE ATTACHED EXHIBIT "A"**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order # 07-22000004 in the Official Land Records of Seminole County.

ENACTED this 13th day of November 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

SECTION 21, TOWNSHIP 19 SOUTH, RANGE 30 EAST; SEMINOLE COUNTY, FLORIDA

REAL PROPERTY DESCRIPTION:

LOT 4 (LESS E 200 FT) & THAT PT OF LOT 3 E OF C/L CANAL (LESS N 15 FT FOR RD)  
AMENDED PLAT MANN'S SUBD PB & PG 89

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On November 13, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

**Property Owner(s):** Ronald and Kimberly Devlen

**Project Name:** Devlen Office Rezone

**Requested Development Approval:** The applicant is requesting a rezone for 1.26 ± acres located at 4021 Church Street, from A-1 (Agriculture) to PCD (Planned Commercial Development).

The Board of County Commissioners has determined that the requested rezone to PCD (Planned Commercial Development) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Devlen Office Rezone" and all evidence submitted at the public hearing on November 13, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone to PCD should be denied.

**ORDER****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD OF  
COUNTY COMMISSIONERS**

**By:** \_\_\_\_\_  
Carlton D. Henley, Chairman



**EXHIBIT "A"**

**Legal Description**

SECTION 21, TOWNSHIP 19 SOUTH, RANGE 30 EAST; SEMINOLE COUNTY,  
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REAL PROPERTY DESCRIPTION:

LOT 4 (LESS E 200 FT) & THAT PT OF LOT 3 E OF C/L CANAL (LESS N 15 FT FOR  
RD) AMENDED PLAT MANN'S SUBD PB & PG 89

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY  
PLANNING AND ZONING COMMISSION**

**OCTOBER 3, 2007**

**Members present:** Matthew Brown, Dudley Bates, Ben Tucker, Walt Eismann, Melanie Chase, and Kim Day.

**Member absent:** Rob Wolf

**Also present:** Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Austin Watkins, Senior Planner; Jim Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

**Devlen Office Building Rezone; Ronald Devlen, applicant;** 1.26 ± acres; Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development); located on the south side of Church Street, approximately 230 feet east of Monroe Road. (Z2007-19)  
Commissioner Carey - District 5  
Austin Watkins, Senior Planner

Mr. Watkins stated that the applicant is applying for the rezone in order to build a 3,715 square foot office building on 1.26 acres. The designated future land use on the property is HIPTI (High Intensity Planned Target Industry). Requested uses on the property will be consistent with the OP (Office Professional) zoning classification. Staff recommendation is for approval of the request for the rezone from A-1 to PCD and approval of the development order and preliminary site plan.

Justin Garver from American Civil Engineering was present for the applicant.

**Commissioner Tucker made a motion to recommend approval of the request with staff findings.**

**Commissioner Eismann seconded the motion.**

**The motion passed unanimously. (6 – 0)**